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COMMITTEE ON HOMELAND SECURITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States

House of Representatives

Washington, DC 20515

October 1, 2010

Dr. James Melius, Chair
Advisory Board on Radiation and Worker Health
4676 Columbia Parkway, MS: C-46
Cincinnati, Ohio 45226

Dear Dr. Melius:

I am writing with an urgent request that has been brought to my attention by members of the working group for the Texas City Chemicals (TCC) Special Exposure Cohort, SEC-00088, that was submitted to the National Institute on Occupational Safety and Health (NIOSH) on 2/10/2007.

TCC is an AWE site based on contractor work it did for the AEC during the early and mid-1950s. The exact dates that uranium yellow cake was extracted from Florida phosphate rock, and the amounts of uranium obtained, at this repurposed fertilizer plant (both operations proceeded simultaneously) are presently in dispute among U.S. Dept. of Energy (DOE) that provides official EEOICPA covered facility descriptions, U.S. Dept. of Labor (DOL) as lead EEOICPA implementing agency that sets covered facility production periods, and HHS/NIOSH/OCAS-DCAS that manages the dose reconstruction (DR) and SEC programs for EEOICPA 2000 part B as amended.

In order to accurately model RADON gas that results from the wet phosphoric acid extraction method for uranium yellow cake that was ostensibly used at TCC, precise information is needed on the volume and configuration of exhaust fans, windows and doors in the uranium "Recovery building" where the phosphate rock that was crushed and subjected to acid extraction in another building across the street was transported for uranium extraction and conversion to "yellow cake" ore to take place. TCC production process information is at present sparse and needs to be more complete for NIOSH dose reconstructions to be scientifically defensible. NIOSH admits this fact.

Was there a written AEC radiation safety protocol at TCC in the 1950s? TCC former workers say no to this question. However, most of the 1952-56 TCC workers are deceased.

Eligible claimants and survivor-claimants from the TCC site have thus far received zero dollars (\$0) in compensation and NIOSH has completed only 3 of 17 DR (17%) during the past nine years that claims have been processed under EEOICPA 2000 and from 2005 to the present

when amendments to the Act allowed DR to extend to both the covered AEC "production period" and the "residual contamination" period.

NIOSH proposes rewriting the TCC SEC-00088 evaluation report (ER) almost 31 months AFTER the original report was issued. The petitioners believe this violates the letter of the ACT wherein NIOSH is allotted only 180 days to deliver an SEC evaluation report after the SEC petition is submitted.

As such, we are asking for the Board to request DOL to request NRC to make an exhaustive search for any and all records concerning Texas City Chemicals AEC uranium operations 1952-1956 and 1956 through 1978 at Borden-Smith Douglass Division and Amoco/BP that became owners after TCC filed for bankruptcy in 1956.

Furthermore, we ask for the Board to provide an explanation what steps remain that will be necessary for the Surrogate Data work group and the full Board to make a final recommendation to the HHS Secretary (Mrs. Sebelius) on TCC SEC-00088? Also, what is the timetable for concluding Surrogate Data work group and full Board deliberations and voting on the TCC SEC-00088? The petitioners need time to plan to be in attendance at this Board session to be able to argue their case most effectively.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Pete Olson", written over a horizontal line.

Pete Olson